

Charter Review Commission Meeting Minutes

CITY OF BROADVIEW HEIGHTS
9543 Broadview Road
Broadview Heights, Oh 44147
440/526-4357

CHARTER REVIEW COMMISSION
March 18, 2014 Meeting Minutes

Mr. Wolf called the meeting to order at 7:00 p.m.

Mr. Wolf led the Pledge of Allegiance.

ROLL CALL:

Present: Brian Wolf, Todd Kinzer, Paul Barlak, Julie Brown, Jerry Pantaleono, Diane Varga,
Scott Maitland, Mayor Alai, Vince Ruffa, Helen Dunlap
Excused: Don Barich, Brad Clifford

APPROVAL OF MINUTES

Paul Barlak moved to approve the Meeting Minutes dated March 11, 2014, Mr. Kinzer amended the meeting minutes as to the spelling of his last name which should be with a "z" and not an "s"; seconded by Scott Maitland. The Minutes were approved as amended with Brian Wolf and Diane Varga abstaining.

INTRODUCTIONS

Mr. Wolf thanked everyone for taking the time and being part of the Charter Review Commission. Mr. Wolf is a Councilman representing Ward 2, this is his first term and tonight is his first meeting with the Commission.

Paul Barlak is representing Ward 1, Tom Pavlica's Ward, he has been a resident of the City since 1995.

Diane Varga is representing Ward 4, Bob Boldt's Ward, she has been a resident of the City for 15 years.

Jerry Pantaleono is representing Ward 3, George Stelmaschuk's Ward, he participates with the City activities often.

Julie Brown is representing Ward 2, Brian Wolf's Ward, she has lived in the City for 8 years. She moved here because of the great school system. She is very involved with the schools.

Scott Maitland is the Mayor's Representative and lives in Ward 2, he has lived in the City for almost 11 years.

Todd Kinzer represents the Planning Commission and lives in Ward 1, he has lived in the City for 22 years. He has three children going through high school and he loves the City.

Helen Dunlap, the Council Clerk, formerly a Councilperson for 10 years and has lived in the City for 50 years.

Vince Ruffa, the Law Director, he has represented the City since 2003 and has a private practice in the City and has been there since 1998.

Sam Alai, Mayor, and if he can be of any assistance he would be pleased to help.

DISCUSSION ON THE CHARTER

Brian Wolf stated that we will be going through the Charter, Article by Article, and many of the Articles have many different Sections. He will introduce each Article and Section and ask if there is any discussion on each.

ARTICLE I: NAME AND BOUNDARIES

No discussion

ARTICLE II: FORM OF GOVERNMENT AND POWERS

No discussion

ARTICLE III: THE COUNCIL

Section 1. Composition and Term

Scott Maitland questioned where it states Effective January 1, 2007 that one ward and one at-large councilmember position will be deleted.

Mr. Ruffa explained the history stating that prior to that, council consisted of 9 members and it was reduced to 7 members. He stated that when it was codified, it probably should have been more like a note.

Scott Maitland commented that it just makes you think that it is less than it presently is.

Julie Brown wondered if it really needed to be in there.

Mr. Ruffa stated that paragraph probably should be removed now. When it happened, it was needed to establish the reduction and now it really doesn't need to be in there or it could go in

a note at the end of the Section. He will contact the codifier or see if we have to go to the ballot to have that language removed.

Julie Brown brought up discussion regarding four (4) year terms for Council.

Mr. Ruffa discussed that if the Commission is not happy with anything in the Charter, such as the two (2) and four (4) year terms, that is the whole point of this Commission. If you look at something in the Charter and you think it should be changed, it should be discussed. Now is the time to bring it up and take a look at that. He sees the logic in respect to the longer terms for Councilpersons. He sees that on a two (2) year term, someone gets elected, learning their position and by time they may learn the position they are running again or they are trying to do something good but they are worried about running again.

Julie Brown commented that for her is with working with the school system and every time you put something on the ballot, it costs money. Not only for the person running for election but also for the City to put it on the ballot.

Paul Barlak had further discussion on if they are all elected at the same time and if so, there may be bickering and then you have four (4) years of discord. He likes the idea of a four (4) year term but discussed staggered terms. This could bring in fresh ideas in the middle of other council terms.

Mayor Alai responded to being asked to chime in from Brian Wolf. From his point of view, having Council being elected every two (2) years, you do not have the continuity. Money could be saved, but the continuity is the bigger issue. It works better with people on council that are there for a longer term and are not worried about having to run an election campaign. He made mention about several councilmembers that have sustained re-election and the voters of the city have had such confidence in some of our elected officials that several are running unopposed. He also explained that the Mayor at one time was a two (2) year term and it finally changed.

Mr. Ruffa commented on the idea of staggered terms. When you stagger the terms, you create a concept called "running from cover". It means that there is a situation where you have an individual that may not be up for re-election for a council position, but may be able to run for election for the Mayor's position. The situation is where they can run for Mayor, but if they lose that election, they still have a council position.

Julie Brown also questioned if there are term limits for elected officials. Does this happen in other cities?

Mr. Ruffa commented that we do not have term limits and some cities do and some don't.

That was the end of that discussion.

Section 2. Wards

Scott Maitland asked if the reference to 2007 is needed in this section as in the previous section where it was discussed and could this sentence be removed.

Mr. Ruffa stated that it once was needed and once again that since we had the change in the reduction of councilpersons and the redistricting of the wards it really isn't needed. He will look into this with the codifier.

Diane Varga asked the process and if what is being discussed is going to be recommended to council.

Brian Wolf explained that this commission will determine what changes they would recommend with the passage of a vote from the commission will proceed to council and council, without change, will send it to the ballot. He explained that the commission will review the entire Charter and then go back and have additional discussion.

Section 3. Qualifications

Scott Maitland stated that again there is the reference to 2007 at the end of the first paragraph. He also questioned the line of maintaining their residency even after the election.

Mr. Ruffa explained that this is the same issue as to before when they did the reduction of councilpersons and this specifically spoke on the Ward Councilperson and the residency requirement. He will see if this is something that could be addressed through the recodification or if this needs to be put on the ballot to remove those references. In reference to the maintaining their residency comment, this states that you have to live in the City for two (2) years prior to running for election and in the Ward if you run for a Ward position. The Ward councilperson also must maintain residency in the Ward that he represent.

Julie Brown asked about the purpose of the last sentence in this section that states, Council shall be the judge of the qualifications of its own members.

Mr. Ruffa explained that the idea of that sentence is that Council will ascertain that a councilperson has fulfilled all aspects of Section 3.

Section 4. Salaries and Bonds

No discussion

Section 5. Meetings and Quorum.

Scott Maitland questioned the section that states, “but a lesser number may adjourn the meeting from time to time and compel the attendance of absent members in such manner and under such penalties as are prescribed by ordinance”.

Mr. Ruffa replied that there have been situations in other communities where there is the gamesmanship of not going to meetings, to not have a quorum to vote on certain issues and they just want to have a way to adjourn the meeting to avoid the gamesmanship is what he believes that is there for. This has not been an issue since he has been here and he does not know if it being an issue in this community.

Scott Maitland discussed where it states, “The Mayor or any four (4) other members of Council may call special meetings upon at least twenty-four (24) hours’ written notice to the Mayor and each member, served personally or left at his or her other usual place of residence.

Mayor Alai stated that from time to time there is a need to have a special council meeting as was the case in 2006 when the city flooded and we wanted to hire a company to come out and clean residents homes and we did not want to wait.

Mr. Ruffa commented that to avoid the gamesmanship, the “at least twenty-four (24) hour written notice served” is so no one can say that they were not notified.

Scott Maitland questioned if we could add new technology such as email.

Mayor Alai mentioned as he did last week regarding the new technology and when is the Mayor out of the city, perhaps stating twenty-four (24) hour notice.

Julie Brown stated that to her this is something that overrides many different sections in the Charter such as putting things in newspapers when we are leaving the era of newspapers. Perhaps further discussion regarding the communication aspects that are addressed in the Charter.

Section 6. Vacancies

No discussion

Section 7. Powers

Paul Barlak questioned the part that states, “ he shall have the right to be represented by counsel”, at whose expense.

Mr. Ruffa replied that it would be at his own expense. He continued that this is a situation where you are trying to remove someone from their appointed office; we are not obligated to give them their own counsel. If they want counsel, they can get it. It is not explicit in the Charter and if you feel it should be then you can make that recommendation.

Section 8. Validation of Actions

Scott Maitland questioned what happens if the Mayor goes on vacation.

Julie Brown asked if it is assumed that it is five (5) business days.

Todd Kinzer stated that he thinks that it should be five (5) business days.

Mr. Ruffa stated that practically speaking that the council meetings are Monday's so you have the whole week.

Julie and Todd mentioned special meetings on other days than Monday and holidays that make the meetings other days than Monday's.

Section 9. President of Council and President Pro-Tem

Scott Maitland referred to the fifth paragraph which states, "The President of Council shall be acting Mayor when the Mayor is officially absent from the City or unable for any cause to perform his duties". The absence is the concern. Maybe take it down to when the Mayor is unable to perform his duties. This is the same in Article IV, Section 5(a).

Many of the members agreed.

Mayor Alai spoke on when is the Mayor absent from the City and asked again when he is officially absent from the City. He stated that when he goes on vacation for two weeks, he is going to tell the Council President that he is officially absent from the City. The question is when is the Mayor absent from the City with today's technology.

Scott Maitland stated that the wording is different in the two sections so they would both need clarification. He asked if "officially absent" is a defined term.

Mr. Ruffa stated that when it comes to defined terms, he does not believe that our Charter specifically defines any term and when it comes to the law, usually you are going to have a very specific definition for that term. He stated that he thinks that the real issue when you deal with absence, because of technology, he thinks that the real issue is being able to perform the duties. The absence issue shouldn't be an issue whether it is official or unofficial.

Julie Brown spoke on the issue of gender throughout the Charter. She thinks that it should be a cohesive gender reference throughout the Charter.

Mr. Ruffa stated that what they have tried to do since he has been here is that whenever there is a change and it refers to gender, they have tried to make it gender neutral.

Paul Barlak asked if an issue as small as that would have to go on the ballot.
Mr. Ruffa replied "yes".

Jerry Pantaleono questioned where it discusses the vacancy of the Mayor and Council President and then if they would move up in position and a Council President Pro-Tem would need to be elected; it would be filled by an at-large councilperson when originally the President and Pro-Tem were elected from the whole of Council. He talked to Mr. Ruffa about this prior to the meeting. He feels that it should all be the same and state that the vacancy of the Pro-Tem should be filled from any councilperson, not just an at-large councilperson.

Mr. Ruffa explained the history as to why this is there. Prior to this Charter, the Council President and Pro-Tem were chosen from only the pool of councilpersons at-large. There was a change to the Charter saying that the Council President and Pro-Tem should be chosen from the entire pool of council people. The beginning of Section 9 use to state that the Council President shall be chosen from the entire pool of Councilpersons at-large and now states the entire council. Farther down in that section where it states the Pro-Tem, it was the same issue. What was neglected to be changed is the section in the middle that if something happened and the President and Pro-Tem had to move up positions, the new Pro-Tem still states that it will be filled from a councilperson at-large position. If you want consistency, it should be changed to be worded like the other two sections.

Section 10. Clerk of Council

No discussion

Mr. Wolf stated that he thinks that this is a good time to break for the evening. Article IV THE MAYOR will be the beginning of the next meeting.

SETTING OF THE MEETING DATES

Mr. Wolf asked if Tuesday's at 7:00 are good for everyone.

Julie Brown stated that she thinks that there will be several members absent next week so she recommends that they do not meet next week.

Mr. Wolf stated that the next meeting will then be April 1 and he will be unable to attend then. He would like to take nominations for a Vice Chair of the Commission.

There was discussion on not meeting on April 1 either and commencing the meetings on April 8, 2014 at 7:00 p.m.

Mr. Wolf motioned to appoint Todd Kinzer as Vice Chairman; seconded by Julie Brown. All voted in favor.

SET CLOSING DATE FOR REQUESTS AND RECOMMENDATIONS TO THE CHARTER

Mr. Wolf looked to Mrs. Dunlap for guidance on dates.

Mrs. Dunlap stated that since the Commission is not meeting until April 8, 2014, the Mayor can mention it in his Mayor's Message, it will be on the website, it would be announced at Council Meetings and she could talk to the reporters hoping they would mention it in the paper, she would recommend to have a deadline sometime in the middle of April so that the Commission would have time to go through the Charter and their recommendations. If resident and administration requests and recommendations are submitted by April 18, 2014 and say that they would like those that submitted requests and recommendations to present their issues to the Commission on April 22 or April 29, that is up to the Commission. Hopefully the Commission will be through the Charter enough to have their issues that they would want to further discuss set.

Mr. Wolf stated that the requests and recommendations should be submitted to the Council Clerk in writing by April 18, 2014 and then have them come before the Commission on April 29, 2014.

Julie Brown commented that she would recommend that on April 8 the Commission go through the rest of the Charter and then on April 15 their agenda would be to solidify what they are going to submit.

ADJOURN

Mr. Wolf motioned to adjourn the meeting; seconded by Todd Kinzer. All voted in favor.

Meeting adjourned at 7:51 p.m.

Recording Secretary: Helen Dunlap

Cc: File Law Director
 Mayor Commission Members